

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>04-531</u>
	:	
v.	:	DATE FILED _____
	:	
LAVELLE WALKE	:	VIOLATIONS:
	:	
	:	21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)
	:	(possession with intent to distribute in
	:	excess of 500 grams of cocaine - 1 count)
	:	18 U.S.C. §924(c)(1) (possession of a
	:	firearm in furtherance of a drug
	:	trafficking crime)
	:	18 U.S.C. §§ 922(g)(1) (felon in
	:	possession of a firearm and ammunition -
	:	1 count)
	:	Notice of additional factors
	:	Notice of forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about December 31, 2003, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

LAVELLE WALKE

knowingly and intentionally possessed with intent to distribute more than 500 grams, that is,
approximately 690 grams, of a mixture or substance containing a detectable amount of cocaine, a
Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 31, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

LAVELLE WALKE

knowingly possessed a firearm, that is, one Taurus .38 caliber revolver, serial number 961466, loaded with six live rounds of ammunition, and one Winchester 30/30 caliber rifle, serial number 4317091, loaded with five rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute cocaine, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 31, 2003 at Philadelphia, in the Eastern District of
Pennsylvania, defendant

LAVELLE WALKE,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Taurus .38 caliber revolver, serial number 961466, loaded with six live rounds of ammunition, and a Winchester 30/30 caliber rifle, serial number 4317091, loaded with five rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

In committing the offense charged in Count One of this indictment, defendant

LAVELLE WALKE:

1. Committed an offense and relevant conduct involving more than 500 grams of cocaine, as described in U.S.S.G. § 2D1.1(a)(3).
- _____ 2. Committed an offense in which a dangerous weapon (including a firearm) was possessed, as described in U.S.S.G. § 2D1.1(b)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

_____1. As a result of the violations of Title 18, United States Code, Sections 922(g)(1) and Section 924(c)(1), set forth in this indictment, the defendant

LAVELLE WALKE

shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), the firearms and ammunition involved in the commission of these offenses, including, but not limited to:

- (a) a Taurus .38 caliber revolver, serial number 961466;
- (b) six live rounds of .38 caliber ammunition;
- (c) a Winchester 30/30 caliber rifle, serial number 4317091; and
- (d) five live rounds of 30/30 caliber ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

2. As a result of the violation of Title 21, United States Code, Section 841(a)(1), set forth in this indictment, the defendant

LAVELLE WALKE

shall forfeit to the United States of America:

- (a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violations of Title 21, United States Code, as charged in this indictment, including, but not limited to \$2,615 in United States currency.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

_____**A TRUE BILL:**

_____**FOREPERSON**

PATRICK L. MEEHAN
UNITED STATES ATTORNEY